

By: Neave

H.B. No. 1822

A BILL TO BE ENTITLED

AN ACT

relating to the definition of "employer" for purposes of a sexual harassment claim.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 21.002(8), Labor Code, is amended to read as follows:

(8) "Employer" means, except as provided by Section 21.0023:

(A) a person who is engaged in an industry affecting commerce and who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year;

(B) an agent of a person described by Paragraph (A);

(C) an individual elected to public office in this state or a political subdivision of this state; or

(D) a county, municipality, state agency, or state instrumentality, regardless of the number of individuals employed.

SECTION 2. Subchapter A, Chapter 21, Labor Code, is amended by adding Section 21.0023 to read as follows:

Sec. 21.0023. DEFINITION OF EMPLOYER FOR SEXUAL HARASSMENT CLAIM. For purposes of a claim under this chapter based on sexual harassment, the term "employer" means:

1 (1) a person who is engaged in an industry affecting
2 commerce and who has one or more employees for each working day in
3 each of 20 or more calendar weeks in the current or preceding
4 calendar year;

5 (2) an agent of a person described by Subdivision (1);

6 (3) an individual elected to public office in this
7 state or a political subdivision of this state; or

8 (4) a county, municipality, state agency, or state
9 instrumentality, regardless of the number of individuals employed.

10 SECTION 3. The change in law made by this Act applies only
11 to a claim of sexual harassment based on conduct that occurs on or
12 after the effective date of this Act. A claim of sexual harassment
13 that is based on conduct that occurs before the effective date of
14 this Act is governed by the law in effect on the date the conduct
15 occurred, and the former law is continued in effect for that
16 purpose.

17 SECTION 4. This Act takes effect September 1, 2019.